

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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|--------------------------|---|---------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Criminal No. 10-40002-FDS |
| |) | |
| KENNETH CUCKSEE, |) | |
| Defendant. |) | |

FINAL ORDER OF FORFEITURE

SAYLOR, D.J.

WHEREAS, on January 11, 2010, the United States Attorney for the District of Massachusetts filed a five-count Information charging defendant Kenneth Cucksee (the "Defendant") with conspiracy to violate 18 U.S.C. §§ 1341 and 1343, in violation of 18 U.S.C. § 371 (Count One), and filing false tax returns, in violation of 26 U.S.C. § 7206(1) (Counts Two through Five);

WHEREAS, the Information also contained a forfeiture allegation, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), which provided notice that the United States sought the forfeiture, upon conviction of the Defendant of conspiring to violate 18 U.S.C. §§ 1341 and 1343, of any property, real or personal, which constitutes, or is derived from, proceeds traceable to the commission of the offenses;

WHEREAS, the Information further provided that, if any of the above-described forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty,

the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 28 U.S.C. § 2461(c), incorporating 21 U.S.C. § 853(p);

WHEREAS, on January 27, 2010, at a hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the Defendant pled guilty to Counts One through Five of the Information;

WHEREAS, on March 27, 2012, this Court issued an Order of Forfeiture consisting of a personal money judgment against the Defendant in the amount of \$53,727.95 in United States currency (the "Money Judgment");

WHEREAS, pursuant to this Court's March 27, 2012 Money Judgment, on April 6, 2012, this Court issued a Preliminary Order of Forfeiture against:

all funds on deposit in American Funds Service Company IRA account number XXXX5284, held in the name of Kenneth C. Cucksee, up to the amount of \$53,727.95 (the "Funds");

WHEREAS, notice of the Preliminary Order of Forfeiture (American Funds Service Company IRA Account) was sent to all interested parties and published on the government website www.forfeiture.gov for thirty (30) consecutive calendar days, beginning on May 25, 2012 and ending on June 23, 2012; and

WHEREAS, no claims of interest in the Funds have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so has expired.

ACCORDINGLY, it is hereby ORDERED, ADJUDGED, and DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States of America is now entitled to the forfeiture of all right, title or interest in the Funds, and they are hereby forfeited to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c) and Rule 32.2(c) of the Federal Rules of Criminal

Procedure.

3. All other parties having any right, title or interest in the Funds are hereby held in default.

4. The United States Internal Revenue Service is hereby authorized to dispose of the Funds in accordance with applicable law.

A handwritten signature in black ink, appearing to read "F. Dennis Saylor, IV", written over a horizontal line.

F. DENNIS SAYLOR, IV
United States District Judge

Dated: November 14, 2012